

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Williams, Joe Plaintiff(s) )  
vs. )  
Elser, T. Washington )  
John Doe #1, 2 Defendant(s) )

INMATE  
CIVIL RIGHTS  
COMPLAINT PURSUANT  
PURSUANT TO  
42 U.S.C. § 1983

Case No. 9:11 CV 562

DNH/RFT

Plaintiff(s) demand(s) a trial by:  JURY  COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

## PARTIES

2. Plaintiff: Williams, Joe  
Address: Southport Corr. Fac  
P O Box 2000  
Pine City NY 14871-2000

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Elser, T  
Official Position: Correctional Officer  
Address: Auburn Correctional Facility  
P O Box 618  
Auburn, N.Y. 13024

b. Defendant:

Official Position:

Address:

Watkins  
Sgt. Correctional Officer

Auburn Corr. Fac.  
P O Box 618  
Auburn, N.Y. 13024

c. Defendant:

Official Position: Sgt. C. O.

Address:

Auburn Corr. Fac.  
P O Box 618  
Auburn, N.Y. 13024

Additional Defendants may be added on a separate sheet of paper.

#### 4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes  No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes  No

If your answer to 4b is YES,

(i) What steps did you take? March 3, 2011

I'd grievant the wrong thing.  
# AVB 5814-11

(ii) What was the final result of your grievance? The grievant's

grievance could not be substantiated  
and should be dismissed and closed.

I appealed it.

Add on  
Form (2) a2  
(3)

Additional Defendants:

d. Defendant; John Doe

Official Position; Correctional Officer

Address: Auburn Corr. Fac.

P O Box 618

Auburn, NY 13024

Joe Williams  
"pro se"

Sworn before  
me this 16<sup>th</sup> day  
of May 2011

Robert T. 

ROBERT T. ABRAMS  
Notary Public, State of New York  
Qual. In Chemung Co. No. 01AB6114504  
Commission Expires August 16, 2011

ii. Court (if federal court, name District; if state court, name County): \_\_\_\_\_

iii. Docket number: \_\_\_\_\_

iv. Name of Judge to whom case was assigned: \_\_\_\_\_

v. Disposition (dismissed? on appeal? currently pending?): \_\_\_\_\_

vi. Approximate date of filing prior lawsuit: \_\_\_\_\_

vii. Approximate date of disposition: \_\_\_\_\_

6.

#### FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

On March 1, 2011 in Auburn Corr. Fac. Approx. 4:40 pm I was escorted out of the South yard from having a physical confrontation.

I was handcuffed behind my back and escorted by an officer, I am unable to name.

This John Doe, C.O. escorted me to the holding area or receiving area. On arrival, I asked C.O. Elser could I used the bathroom? He told me to wait a few minutes

①  
Continue  
from #6 Facts

Because he's going to get a cup to take an urine test. A few minutes past.

Then he uncuffed me and in the process of uncuffing me. He asked, C.O. Elser asked me why or why I acted "You're not tough, are you?" I answered him, saying "No", C.O. Elser then asked me, "Why was you fighting?" "I told him some he kick me and I was protecting myself."

Then was escorted ten feet to the bathroom my urine taken, washed hands and was recuffed from behind and then was escorted down a long hall by John Doe C.O. and accompanied by C.O. Elser, to the infirmary or treatment room.

There I was asked by Sgt Watkins did I wanted P.C. I said "No" Then I was uncuffed and I signed the P.C. waiver.

The same Sgt Watkins who took my pictures with the camera. I asked him was my ticket a tier three, He said "yes" I voice a complain and said "I don't know why, I just don't understand."

Then he told me to "Shutup" and remove my clothes. I Complied and strip down to my boxers.

①  
Continued from # 6 Facts

Then pictures was taken of me by Sgt. Watkins and both Sgts. Examined me for injuries. Then a nurse entered the room and told me to raise my arms and turn around and then she said "No injuries."

Then from out of the room \*C.O. Elser called me ~~several~~ names. Then I was ordered to put on my clothes by Sgt. Watkins and while doing so \*C.O. Elser ~~entered~~ the treatment room and told me to "Shut up or else." Then C.O. Elser left.

\* Then I was ~~recucted~~ from behind my back and escorted by both Sgts, Watkins, John Doe # and John Doe # C.O.

We walked toward the holding area, then out of nowhere bang - I was ambushed, attacked by \*C.O. Elser. I fell straight backward violently and hit my head.

Then Sgt. Watkins ordered me to get up and the other Sgt. John Doe echoed him. As I was struggling to my feet \*C.O. Elser was over me yelling a lot of noise at me laughing. I was so dizzy due to the ambush, the assault on me and I was bleeding from my mouth and from my cheek I couldn't understand C.O. Elser verbal yelling.

Continued from # 6 3 Facts

\* I was bleeding and on sight of my blood all four Correctional Officers laughed at me.

I was shocked and shook my head in disbelief.

I then asked the Sgt. who took my picture Sgt. Watkins "Why did you allow this?" He just smile/laughed and I look at the other Sgt. John Doe and I asked him "why?" Both Sgts. Sgt Watkins/John Doe told me to shut up.

Then I heard someone say he fell and then I heard "Yes he did fall by the others. I am not sure which officers said what but I did hear them all agreeing that I fell.

Then I was led to the holding area bathroom in which I was allow to upchuck blood from the throat of my mouth.

\* The all was laughing at me. The C.O. John Doe he kept a smile on his face.

Then I was escorted back to the Nurses Station treatment room. On entry I was voicing out loud to the two Sgts, Sgt-Watkins and John Doe "Why did you officers ambushed me?" Both Sgts told me to shut-up!

Continued  
from # 6 Facts

I also recall I kept talking, saying to both, Sgts. Watkins and John Doe and John Doe C.O. that they should be ashamed of themselves for hurting me the way they have done. When I said this C.O. Elser wasnt there. He stay back to clean up/mop my blood off the floor. Because when we left the blood on the floor was gone.

Then a nurse clean my wound and place a band aid on my face. Then I was told to put on my jacket.

I refused to do that, a lot of blood was on it. Note because my tooth went through my chin

Then I was escorted out of the treatment room down the long hall and just before I'd exit. C.O. Elser "kicked" out at me. He repeatedly called me "Nigger", "Nigger", "Nigger" and while being led from one building to the next. From the holding area building to D. building the two Sgts and John Doe laughed. While they heard C.O. Elser calling me "Nigger".

This written Statement is true

Respectfully Submitted  
Joe Williams

Continue  
From #6

# 6 Facts

## Recapitulation

And in Summary the four defendants were acting under color of State law. All four defendants, Elser, T. C. O. Watkins Sgt. and those two John Doe C.O.'s They have all by the way of their conduct violated my Constitutional rights.

The violation of the Eighth Amendment each defendants, Elser, T. C. O. Watkins Sgt. and those two John Doe C.O.'s have used EXCESSIVE of force against me and failure to protect showing deliberately indifferent against me.

As the results, their conduct was the cause of my injuries which I sustained.

Dated 5/14/11

Sincerely  
Gal Williams  
Pro se

Sworn to before me this  
16th day of May 2011

Robert T. Abrams  
Notary Public

ROBERT T. ABRAMS  
Notary Public, State of New York  
Qual. in Chemung Co. No. 01AB6114504  
Commission Expires August 16, 2012

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? \_\_\_\_\_

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c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes  No

If your answer to 4c is YES,

(i) What steps did you take? \_\_\_\_\_

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(ii) What was the final result regarding your complaint? \_\_\_\_\_

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If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? \_\_\_\_\_

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## 5. PREVIOUS LAWSUITS

a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes  No

b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

7.

## CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

### FIRST CAUSE OF ACTION

42 U.S.C. Section 1983, Civil rights action  
For ambushed/adjusted on me causing permanent  
injuries/while being handcuffed from behind  
back. Excessive force and Failure to protect  
And for adding in ~~§ 87(2)(b)~~ to involve <sup>by C.O. Elver</sup> calling me "Nigger"  
Seeking ~~\$250,000~~ <sup>for correct it stands</sup> \$250,000

### SECOND CAUSE OF ACTION

42 U.S.C. Section 1983, Civil rights action  
For walking me into the ambush of  
C.O. Elver. Failure to protect, ~~or take~~ action  
Showing deliberate indifference

Sgt. Watkins, seeking ~~\$200,000~~ <sup>for correct it stands</sup> \$200,000

### THIRD CAUSE OF ACTION

42 U.S.C. Section 1983, Civil right action  
For walking me into the ambush of  
C.O. Elver. Failure to protect, ~~or take~~ action  
Showing deliberate indifference

John Doe, Sgt. C.O. ~~\$130,000~~ <sup>for correct it stands</sup>

First, Second, Third Cause of Action \$50,000

Seeking Nominal/Compensatory, Punitive  
damages: <sup>for only</sup>

Sworn before me on  
this 16<sup>th</sup> day of May 2011

Robert T. Abrams

Jill W. Clark

Add on  
7. Cause of Action

Fourth Cause of Action

42 U.S.C. Section 1983, Civil Right Action  
For walking me into the ambush of  
C.O. Elmer. Failure to protect,  
or take action. Showing deliberate  
negligence. John Doe Correctional Officer.  
~~\$150,000~~ <sup>damages</sup> ~~correct it stands~~  
Nominal; Compensatory, Punitive  
And for emotional distress.

Sworn before me on  
this 16<sup>th</sup> day of May 2011

Robert T. Abrams

ROBERT T. ABRAMS  
Notary Public, State of New York  
Qual. In Chemung Co. No. 01AB6114504  
Commission Expires August 16, 2012

Joe Williams  
"pro se"

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

C. O Elser ~~Parva Time~~ 1-3 yrs and over \$250,000 nominal  
Sgt. Watkins 1-3 yrs and over \$200,000 compensatory  
John Doe Sgt. 1-3 yrs and over \$150,000 punitive  
John Doe CO 1-3 yrs and over \$150,000 damages  
~~1060/750 000~~

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 5/6/11

Joe Williams  
Joe Williams  
Signature of Plaintiff(s) "Pro Se"  
(all Plaintiffs must sign)

02/2010